REMARKS:

Claims 1-34 are currently pending. Claims 1-4, 7, 8, 15, 16, and 23-34 are currently being considered, none of which have been amended herein. Claims 5, 6, 9-14, and 17-22 have been withdrawn from consideration.

The Examiner has objected to claims 7-34 as being unduly difficult to sort out.

Applicants respectfully traverse this objection.

It is common for the order of claims to change during prosecution, and that it is not believed to be necessary to engage in a renumbering and/or rearranging of claims during prosecution. Even if such renumbering and/or rearranging were performed at this time, the order may change again in the future because prosecution is ongoing. MPEP 608.01(n)(IV) explicitly states that: "During prosecution, the order of claims may change and be in conflict with the requirement that dependent claims refer to a preceding claim. Accordingly, the numbering of dependent claims and the numbers of preceding claims referred to in dependent claims should be carefully checked when claims are renumbered upon allowance". Thus, it is believed that claims do not need to be renumbered and/or rearranged at this time.

Accordingly, Applicants respectfully submit this objection should be withdrawn.

The Examiner has rejected claims 1 and 16/1 under 35 USC 102(b) as anticipated by USP 6,076,543 (**Johnson**).

Applicants respectfully traverse this rejection under 35 USC 102(b).

The rejection is improper and should be withdrawn because **Johnson** fails to expressly or inherently describe the following features set forth in claim 1: "the base member has at least one orthogonal rail extending in a direction orthogonal to the line and each line is mounted on a line supporting rail, the line supporting rail being mounted on the base member and slidable in a direction orthogonal to the line along the at least one orthogonal rail", in combination with the other claimed features.

Accordingly, Applicants respectfully submit this rejection under 35 USC 102(b) is improper and should be withdrawn.

The Examiner has rejected claims 1-4, 7, 8, 15, 16, and 29-34 under 35 USC 103(a) as obvious over **Johnson** in view of USP 6,152,175 (**Itoh**).

Applicants respectfully traverse this rejection of claims 1-4, 7, 8, 15, 16, and 29-34.

This rejection is improper and should be withdrawn, because the Examiner has not established that his combination/ modification of **Johnson** and **Itoh** teaches all features as set forth in claims 1-4. Regarding claim 1, the Examiner failed to demonstrate that **Johnson** and **Itoh**, alone or in combination, describe, teach, or suggest the following features set forth in claim 1: "the base member has at least one orthogonal rail extending in a direction orthogonal to the line and each line is mounted on a line supporting rail, the line supporting rail being mounted on the base member and slidable in a direction orthogonal to the line along the at least one orthogonal rail," in combination with the other claimed features.

Regarding claim 2, the Examiner failed to demonstrate that **Johnson** and **Itoh**, alone or in combination, describe, teach, or suggest the following features set forth in claim 2: "the fluid control device being characterized in that each line is mounted on a line support member, the line support member being mounted on the base member and slidable in a direction orthogonal to the line, wherein the line support member is a rail removably mounted on the base member, and the coupling members are slidably mounted on the rail, each of the fluid controllers being mounted on two of the coupling members," in combination with the other claimed features.

Regarding claim 3, the Examiner failed to demonstrate that **Johnson** and **Itoh**, alone or in combination, describe, teach, or suggest the following features set forth in claim 3: "two of the coupling members are not directly connected to each other so that each coupling member can be fixed at any position of the track independently, and each coupling member has vertical internally threaded

portions formed in the upper wall and each of the fluid controllers is attached to two of the coupling members by driving screws inserted through the controller into the internally threaded portion of the coupling member," in combination with the other claimed features.

Regarding claim 4, the Examiner failed to demonstrate that **Johnson** and **Itoh**, alone or in combination, describe, teach, or suggest the following features set forth in claim 4: "two of the coupling members are not directly connected to each other so that each coupling member can be fixed at any position of the track independently, and each coupling member has vertical internally threaded portions formed in the upper wall and each of the fluid controllers is attached to two of the coupling members by driving screws inserted through the controller into the internally threaded portion of the coupling member," in combination with the other claimed features.

Additionally, this rejection is improper and should be withdrawn because the Examiner did not apply the correct teaching-suggestion-motivation test for an obviousness rejection under 35 USC 103(a), regarding claims 1-4, 7, 8, 15, 16, and 29-34.

A patent claim is obvious when the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. Obviousness is based on several underlying issues of fact, namely: (1) the scope and content of the prior art; (2) the level of skill of a person of ordinary skill in the art; (3) the differences between the claimed invention and the teachings of the prior art; and (4) the

extent of any objective indicia of nonobviousness. When obviousness is based on the teachings of multiple prior art references, the Examiner must also establish some suggestion, teaching, or motivation that would have led a person of ordinary skill in the art to combine the relevant prior art teachings in the manner claimed. An Applicant may rebut a showing of obviousness with evidence refuting the Examiner's case or with other objective evidence of nonobviousness.

The reason, suggestion, or motivation to combine [prior art references] may be found explicitly or implicitly: 1) in the prior art references themselves; 2) in the knowledge of those of ordinary skill in the art that certain references, or disclosures in those references, are of special interest or importance in the field; or 3) from the nature of the problem to be solved, leading inventors to look to references relating to possible solutions to that problem. The case law of the Court of Appeals for the Federal Circuit makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. This is because combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight. Therefore, it has been held that a person of ordinary skill in the art must not only have had some motivation to combine the prior art teachings, but some motivation to combine the prior art teachings in the particular manner claimed.

After comparing the teachings of the art relied upon with claims 1-4, 7, 8, 15, 16, and 29-34 of the subject application, the Examiner improperly concluded that, at the time of the invention, all of the claimed limitations existed in that art.

The Examiner conceded that **Johnson** failed to disclose all claimed limitations. Then the Examiner relied on **Itoh** to attempt to remedy the deficiencies of **Johnson**.

Consequently, after improperly concluding that a person of ordinary skill in the art would have been motivated to combine **Johnson** and **Itoh** to arrive at the claimed invention, the Examiner rejected 1-4, 7, 8, 15, 16, and 29-34 on obviousness grounds.

The Examiner's analysis applied an incomplete teaching-suggestion-motivation test in the rejection of claims 1-4, 7, 8, 15, 16, and 29-34. This is because the Examiner rejected claims 1-4, 7, 8, 15, 16, and 29-34 of the subject application on obviousness grounds without making findings as to the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of the invention to make the combination in the manner claimed.

There is a requirement to make specific findings as to whether there was a suggestion or motivation to combine the teachings of **Johnson** with **Itoh** in the particular manner claimed by claims 1-4, 7, 8, 15, 16, and 29-34 of the subject application.

The test requires that the nature of the problem to be solved be such that it would have led a person of ordinary skill in the art to combine the art teachings **in the particular manner claimed**.

The Examiner has not properly applied that test. The Examiner has not shown that either **Johnson** or **Itoh** address the same problem in the same manner as the features set forth in claims 1-4, 7, 8, 15, 16, and 29-34.

Thus, in view of the above, the Examiner did not apply the correct teaching-suggestion-motivation test for an obviousness rejection under 35 USC 103(a), regarding claims 1-4, 7, 8, 15, 16, and 29-34.

Also, the Examiner's brief, generic, and vague statement of motivation to combine **Johnson** and **Itoh** ("to reduce costs") is wholly inadequate. The Examiner has not demonstrated that the proposed combination/modification of **Johnson** and **Itoh** would result in reduced costs. Furthermore, the Examiner has not demonstrated that a reduced cost, even if the proposed combination/modification would accomplish such a result, would be preferable over other factors, such as reliability or safety during operation, for example. The Examiner has not provided adequate support for the alleged motivation to combine/modify the art.

The Examiner has alleged that "a spare rail for future use is considered to be an obvious expedient". The Examiner has not provided a scintilla of support for such an allegation. Applicants

respectfully traverse this allegation. Applicants respectfully request that the Examiner either provide adequate evidence in support of this allegation, or withdraw this allegation.

Thus, in view of the above, Applicants respectfully submit that the rejection of claims 1-4, 7, 8, 15, 16, and 29-34 is improper and should be withdrawn.

The Examiner has rejected claims 23-28 under 35 USC 103(a) as obvious over **Johnson** in view of **Itoh** and USP 6,231,260 (**Markulec**).

Applicants respectfully traverse this rejection of claims 23-28.

The rejection of dependent claims 23-28 is improper and should be withdrawn because the rejection of base claims 1-4 is improper as discussed above.

Thus, Applicants respectfully submit that this rejection of claims 23-28 should be withdrawn.

In view of the aforementioned remarks, it is respectfully submitted that all claims currently being considered are in condition for allowance, which action, at an early date, is respectfully requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due now or in the future with respect to this application, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP

Darren R. Crew
Attorney for Applicants
Reg. No. 37,806

DRC/llf
Atty. Docket No. **010846**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930

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PATENT TRADEMARK OFFICE